

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RACHEL JENKINS,

Plaintiff,

- against -

NEW YORK STATE BANKING DEPARTMENT,

Defendant.

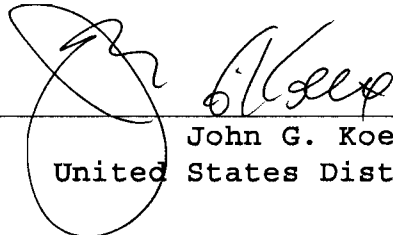
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JOHN G. KOELTL, District Judge:

The Court has received the attached letter from the plaintiff. The Court has carefully considered all of the papers submitted in connection with the motion for summary judgment which is now decided. There is nothing in this letter that changes the Court's decision. The Court notes that to the extent the plaintiff is attempting to rely on matters that have occurred subsequent to the submission of the fully briefed motion for summary judgment, they are not part of the pleadings in this case and do not warrant any relief in this case.

SO ORDERED.

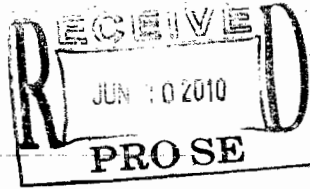
Dated: New York, New York  
June 11, 2010

  
\_\_\_\_\_  
John G. Koeltl  
United States District Judge

USDS SDNY  
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DOC #:  
DATE FILED: 6-14-10

07 Civ. 6322 (JGK)  
07 Civ. 11317 (JGK)

ORDER



Honorable Judge John H. Koeltl  
 Daniel Patrick Moynihan  
 United States Courthouse  
 500 Pearl Street  
 NY, NY 10007

Case # 07(6322)(JGK)  
 07(11317)(JGK)

On December 2, 2009, I wrote my opposition to Summary Judgment and answers, I have not received a response and was told by the Clerk's Office of the Court I should write a letter of reminder, Employment Discrimination Continues @ the Banking Dept. for me I have not yet seen any changes.

1- The money which was taken out of my pay twice was never given back.

2- My Performance Evaluations was never changed from Un-Satisfactory to Satisfactory which caused me to loose out on several Longevity Checks during the year 2003-2007. (see Copy of Contract Attached). I was told I would not be able to have these false accusations removed from my Personal File Folder in the Human Resources Division. This is still causing me Emotional Distress, If I decide to retire @ 55 and work somewhere else I may not get hired because my good reputation has been destroyed by the NYS Banking Dept.

3- I was suspended without pay for one week and my Vacation Accruals taken away from me two years later on 4-2009, after my deposition with the Attorney Gen. Office in retaliation. I was told to keep track of my Correct Accruals and notarized every pay period and I am still doing that now, this is also costing me money. over →

The money nor the Accruals have not been restored. I have always kept a substantial amount of Vacation Accruals for Vacation, emergencies, and also when I retire I am allowed 30 days of Unused Vacation Accruals Compensated in Cash, which I can use until I receive my pension. I would like to know if there is going to be a settlement or trial soon? I would like either one to happen so that I'd be relieved of Emotional distress and the Banking Dept. would think twice about doing what they did to me to someone else. I have sent Copies of all evidence to the Court.

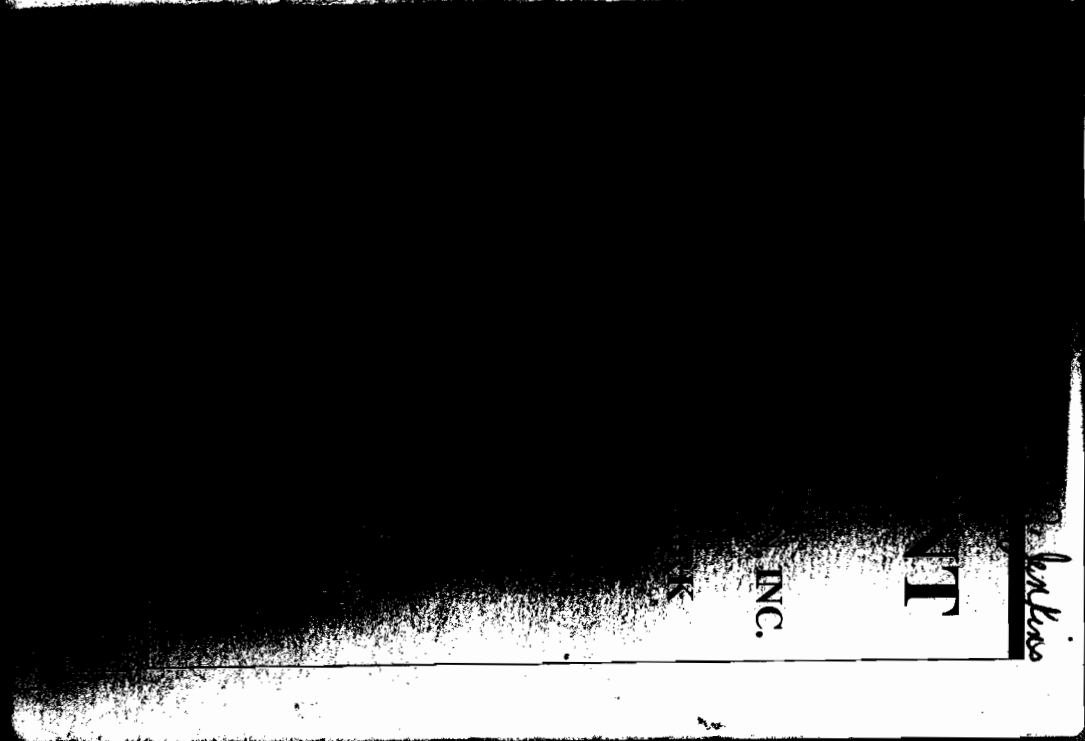
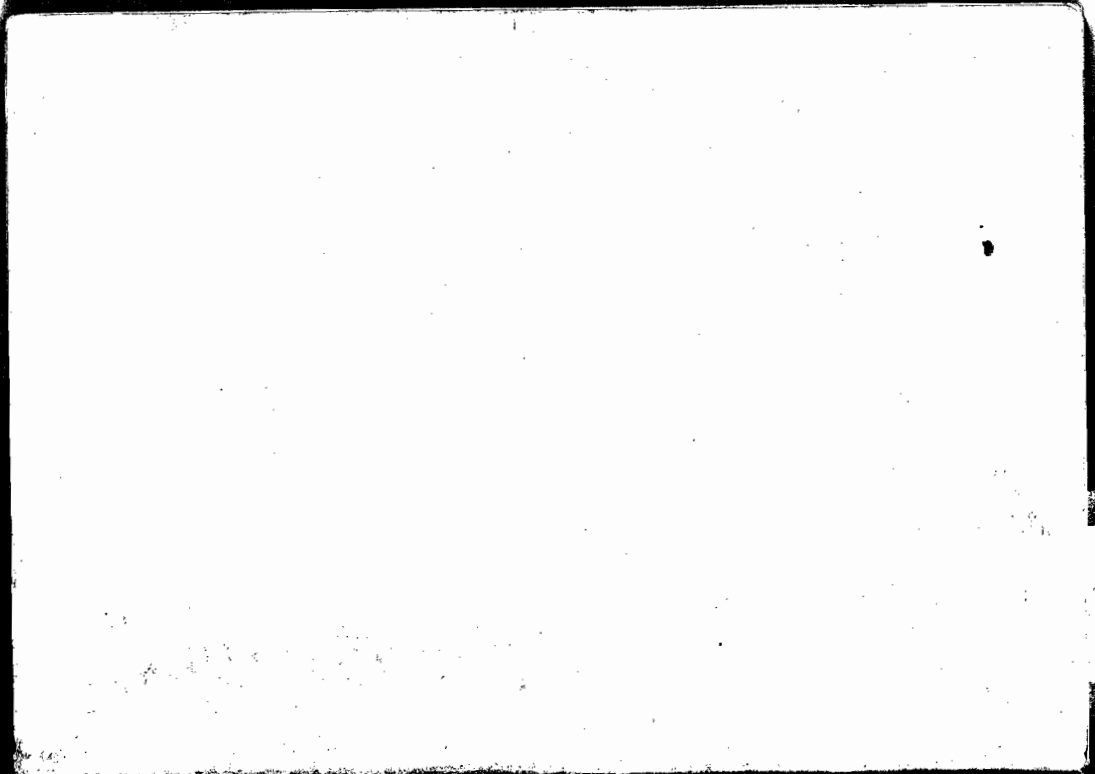
Rachel Jenkins

vs.

- My S Banking Dept.  
One State St. 8th Fl. ( )  
NY, NY 10004

- Rachel Jenkins  
190 Westman Ave. #6-D  
Bklyn, NY 11207

Job # 212-709-3857



INC.

NT

*but also*



**ARTICLE 6****No Strikes**

§6.1 CSEA shall not engage in a strike, nor cause, instigate, encourage or condone a strike.

§6.2 CSEA shall exert its best efforts to prevent and terminate any strike.

§6.3 Nothing contained in this Agreement shall be construed to limit the rights, remedies or duties of the State or the rights, remedies or duties of CSEA or employees under State law.

**ARTICLE 7****Compensation**

The State shall prepare, secure introduction and recommend passage by the Legislature of such legislation as may be appropriate and necessary to provide the benefits described below:

**§7.1 Lump Sum Payment for Fiscal Year 2003 - 2004**

Each employee who was in full-time employment status on March 31, 2004 and who had, on that date, six (6) months or more of continuous service as defined by Section 130.3(c) of the Civil Service Law shall, on June 1, 2004 or as soon thereafter as practicable, receive a lump sum payment in the amount of \$800, which amount shall be pensionable. Employees who are otherwise eligible for such payment but who were not on the payroll on March 31 and who return to employment during Fiscal Year 2004-2005 without a break in service shall be eligible for such payment.

**§7.2 Salary Increase for Fiscal Year 2004-2005**

Effective March 25, 2004 for employees on the administrative payroll and April 1, 2004 for employees on the institutional payroll, the basic annual salary of employees in full-time employment status on March 24, 2004 and March 31, 2004 respectively, shall be increased by two and one-half (2.50) percent and the appropriate salary schedule shall be amended by increasing the hiring rate and the job rate of each grade by two and one-half (2.50) percent, dividing the difference between the increased hiring and job rates by seven, rounded to the nearest dollar, to

determine the value of each increment, and adding seven increments in that amount to the hiring rate. The new job rate shall be the amount that results from the addition of seven increments to the hiring rate. Employees whose salaries were at the hiring rate, any of the six steps, or the job rate immediately prior to the increase in the schedule shall be accorded the benefit of the two and one-half (2.50) percent increase by receiving a salary equal to the new hiring rate, corresponding step, or job rate, respectively, as provided on the March 25, 2004 or April 1, 2004 schedule.

**§7.3 Payment Above the Job Rate for Fiscal Year 2004-2005**

(a) Employees who, on their anniversary date, complete five (5) years of continuous service as defined by Section 130.3(c) of the Civil Service Law at a basic annual salary equal to or higher than the job rate, or maximum, of their salary grade, but below the first longevity step and whose most recent performance rating was "satisfactory" or its equivalent, shall move to the first longevity step, or shall have their basic annual salary increased by \$750 or as much of that amount as will not result in a new basic annual salary exceeding the second longevity step of the salary schedule then in effect on April 1, 2004.

(b) Employees who, on their anniversary date, complete ten (10) years of continuous service as defined by Section 130.3(c) of the Civil Service Law at a basic annual salary equal to or higher than the job rate, or maximum, of their salary grade, but below the second longevity step and whose most recent performance rating was "satisfactory" or its equivalent, shall move to the second longevity step.

(c) Longevity increases for eligible employees will become effective in the payroll period immediately following completion of the required continuous service, subject to the attainment of a performance rating of "satisfactory" or its equivalent.

**§7.4 Salary Increase for Fiscal Year 2005-2006**

Effective April 7, 2005 for employees on the administrative payroll and March 31, 2005 for employees on the institutional

payroll, the basic annual salary of employees in full-time employment status on April 6, 2005 and March 30, 2005 respectively, shall be increased by two and three-quarters (2.75) percent and the appropriate salary schedule shall be amended by increasing the hiring rate and the job rate of each grade by two and three-quarters (2.75) percent, dividing the difference between the increased hiring and job rates by seven, rounded to the nearest dollar, to determine the value of each increment, and adding seven increments in that amount to the hiring rate. The new job rate shall be the amount that results from the addition of seven increments to the hiring rate. Employees whose salaries were at the hiring rate, any of the six steps, or the job rate immediately prior to the increase in the schedule shall be accorded the benefit of the two and three-quarters (2.75) percent increase by receiving a salary equal to the new hiring rate, corresponding step, or job rate, respectively, as provided on the April 7, 2005 or March 31, 2005 schedule.

**§7.5 Payment Above the Job Rate for Fiscal Year 2005-2006**

(a) Employees who, on their anniversary date, complete five (5) years of continuous service as defined by Section 130.3(c) of the Civil Service Law at a basic annual salary equal to or higher than the job rate, or maximum, of their salary grade, but below the first longevity step and whose most recent performance rating was "satisfactory" or its equivalent, shall move to the first longevity step, or shall have their basic annual salary increased by \$750 or as much of that amount as will not result in a new basic annual salary exceeding the second longevity step of the salary schedule then in effect on April 1, 2005.

(b) Employees who, on their anniversary date, complete ten (10) years of continuous service as defined by Section 130.3(c) of the Civil Service Law at a basic annual salary equal to or higher than the job rate, or maximum, of their salary grade, but below the second longevity step and whose most recent performance rating was "satisfactory" or its equivalent, shall move to the second longevity step.

(c) Longevity increases for eligible employees will become effective in the payroll period immediately following completion of the required continuous service, subject to the attainment of a performance rating of "satisfactory" or its equivalent.

**§7.6 Salary Increases for Fiscal Year 2006-2007**

Effective April 6, 2006 for employees on the administrative payroll and March 30, 2006 for employees on the institutional payroll, the basic annual salary of employees in full-time employment status on April 5, 2006 and March 29, 2006 respectively, shall be increased by three (3.0) percent and the appropriate salary schedule shall be amended by increasing the hiring rate and the job rate of each grade by three (3.0) percent, dividing the difference between the increased hiring and job rates by seven, rounded to the nearest dollar, to determine the value of each increment, and adding seven increments in that amount to the hiring rate. The new job rate shall be the amount that results from the addition of seven increments to the hiring rate. Employees whose salaries were at the hiring rate, any of the six steps, or the job rate immediately prior to the increase in the schedule shall be accorded the benefit of the three (3.0) percent increase by receiving a salary equal to the new hiring rate, corresponding step, or job rate, respectively, as provided on April 6, 2006 or March 30, 2006 schedule.

**§7.7 Payment Above the Job Rate for Fiscal Year 2006-2007**

(a) Employees who, on their anniversary date, complete five (5) years of continuous service as defined by Section 130.3(c) of the Civil Service Law at a basic annual salary equal to or higher than the job rate, or maximum, of their salary grade, but below the first longevity step and whose most recent performance rating was "satisfactory" or its equivalent, shall move to the first longevity step, or shall have their basic annual salary increased by \$750 or as much of that amount as will not result in a new basic annual salary exceeding the second longevity step of the salary schedule then in effect on April 1, 2006.



(b) Employees who, on their anniversary date, complete ten (10) years of continuous service as defined by Section 130.3(c) of the Civil Service Law at a basic annual salary equal to or higher than the job rate, or maximum, of their salary grade, but below the second longevity step and whose most recent performance rating was "satisfactory" or its equivalent, shall move to the second longevity step.

(c) Longevity increases for eligible employees will become effective in the payroll period immediately following completion of the required continuous service, subject to the attainment of a performance rating of "satisfactory" or its equivalent.

#### **§7.8 Salary Schedule Adjustment Effective April 1, 2007**

Effective April 1, 2007 for employees on the administrative payroll and on the institutional payroll, the basic annual salary of employees in full-time employment status on March 31, 2007 respectively, shall be increased by eight hundred (\$800). The appropriate salary schedule shall be amended by increasing the hiring rate and the job rate of each grade by eight hundred (\$800), dividing the difference between the increased hiring and job rates by seven, rounded to the nearest dollar, to determine the value of each increment, and adding seven increments in that amount to the hiring rate. The new job rate shall be the amount that results from the addition of seven increments to the hiring rate. Employees whose salaries were at the hiring rate, any of the six steps, or the job rate immediately prior to the increase in the schedule shall be accorded the benefit of the eight hundred (\$800) increase by receiving a salary equal to the new hiring rate, corresponding step, or job rate, respectively, as provided on April 1, 2007 schedule.

#### **§ 7.9 Movement from Hiring Rate to Job Rate**

(a) Employees who complete one (1) year of service in full-time employment status at a basic annual salary rate which is below the job rate of their salary grade, whose performance at the completion of each year of service is rated at least "satisfactory" or its equivalent, shall be eligible to receive an increment advance.

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For the purpose of determining the date upon which the year of service is completed, any pay period for which the employee was on leave without pay or on leave with less than full pay for the full payroll period will not be counted.

(b) Increment advances will be payable to eligible employees on April 1 or October 1 of the fiscal year immediately following completion of each year of service in grade. Increment advances shall be an amount equal to one-seventh of the difference between the hiring rate and the job rate of the grade. Employees hired or promoted on or after April 2 and through October 1 will have an increment anniversary date of October 1. Employees hired or promoted on or after October 2 and through April 1 will have an April 1 increment anniversary date. All hired or promoted employees will be required to serve at least one year before receiving their increment. Once the increment is received, subsequent increments will begin on the appropriate increment anniversary date of either October 1 or April 1. The creation of a second increment anniversary date will continue the practice that all employees will serve at least one year before the increment is paid but no employee will wait longer than one and one-half years.

(c) An employee's salary may not exceed the job rate as a result of an increment advance.

#### **§ 7.10 Promotions**

(a) Employees who are promoted, or otherwise advanced to a higher salary grade will be paid at the hiring rate of the higher grade or will receive a percentage increase in basic annual salary determined as indicated below, whichever results in a higher salary.

<b>For a Promotion of</b>	<b>An Increase of</b>
1 grade	3.0 %
2 grades	4.5 %
3 grades	6.0 %
4 grades	7.5 %
5 grades	9.0 %

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Rachel Jenkins

(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

- against -

Ny State Banking Dept.

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

07 Civ. 6322 (JGK)  
07 CV 11317 (JGK)

**AFFIRMATION OF SERVICE**

I, Rachel Jenkins, declare under penalty of perjury that I have  
(name)

served a copy of the attached Letter & Documents  
(document you are serving)

upon Roberta Martin whose address is NYS Dept. of Law  
(name of person served)

120 B'way, 4th Floor, NY NY 10271  
(where you served document)

by Via Courier - Inter-Agency mail  
(how you served document: For example - personal delivery, mail, overnight express, etc.)

Dated: ny, ny  
(town/city) (state)  
6, 10, 2010  
(month) (day) (year)

Rachel Jenkins  
Signature

190 Workman Ave. #6-D  
Address

Bklyn., ny 11207  
City, State

Zip Code  
212-709-3857  
Telephone Number